

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, July 9, 2002, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Pennington  
Kramer  
Starr  
Waller  
Vleck  
Littman  
Wright  
Chamberlain  
Storrs

Absent

Also Present:

Mark Miller, Planning Director  
Susan Lancaster, Assistant City Attorney  
Brent Savident, Principal Planner  
Jordan Keoleian, Student Representative

2. PUBLIC COMMENTS

No public comments

**PLANNED UNIT DEVELOPMENT**

3. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Woodside Bible Church (FKA Troy Baptist Church)/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D

Mr. Miller addressed the Chairman stating as a reminder that there are two (2) items that are on the agenda in which notification was sent that are not being addressed tonight and you might want to mention those so those people in the audience can go home.

Mr. Chamberlain stated that Item #4, which is the Evanswood Parc in Section 1, that will not be discussed tonight. The applicant withdrew his application from the City so we don't know when the board will see that one again. Item #5 is the

proposed Freund Site condominium, north of Devonwood in Section 7, petitioner asked for a postponement on that one, so we will not be talking about these two items tonight.

Mr. Miller introduced Richard Carlisle, the City's Planning Consultant, who will be making a presentation related to the Woodside Bible Church PUD, formerly known as Troy Baptist.

Dick Carlisle of Carlisle/Wortman Associates stated that he was primarily responsible for the review of this project. This project was before you several months ago whereas we provided a review, which I felt was a critical review of the matter. City Staff, along with the assistance of our office, took the direction from the Commission and began to look at this site and determine some ways that this site could qualify in terms of qualification under your PUD provisions in the Ordinance. One of the essential features of the site that we felt was critical that was not evident in the previous plan was the environmental features of the site. That includes an extensive wetlands system, but also some significant wooded areas, particularly in the northeast corner of the site that in the previous plan were really proposed for development. We began to look at the project from the standpoint under your PUD provisions, which talk about the preservation of environmental features and assets and actually have those particular features and assets be a significant component and a significant unifying characteristic of the site and a feature around which the project should focus. As a result, what you see now is a project that really has four (4) critical components. The office portion of the project has been eliminated and has been replaced with what the applicant is calling urban condominium units. Eighty-four (84) of those located in fourteen (14) buildings. The second component of that is eight-six (86), what they term to be suburban units, and those are located in twenty-two (22), four (4) unit buildings and those are really the rear portion of the site along the northern property boundary and really serves more as a transitional area between this site and the neighboring single family residential. The church remains, although there has been some redesign of the site layout on that in a manner that we find certainly more reasonable. That would consist of a first phase of 97,000 square feet with a potential expansion of an additional 50,000 square feet. We looked at this in terms of the criteria that are set forth in your PUD Ordinance in terms of the types of things that need to be considered and that is the areas of innovation and design, mix of uses, and unification of elements that will provide a project that appears, as which it is planned, as a unit; therefore, the term Planned Unit Development, as it is appropriately indicated. As a result, it has been our finding that the focus of the property has shifted so that the environmental attributes of the sites provide the underlying foundation for the PUD and that is a very significant component of this site. And, as you see, the central and southeast portion of the site provides an extensive wetlands system which will be preserved and components of it enhanced by some of the stormwater management approach that is being taken. Around the rear, in the northeast corner, I eluded to an area, which has probably the most significant tree cover on the site in terms of

the species and the mix of the species. That will be preserved, and an added feature is the fact that it'll provide a 400 foot buffer between this site and the Emerald Lake Subdivision. The real critical item is the guarantee it's going to be preserved. Those areas that you see, essentially will be preserved by a conservation easement that will run with the land and ultimately, it will be recorded, but whether it's actually dedicated to a conservational organization or not as a scenic easement I don't believe has been finally determined. But, that will be something we will want to see in the development agreement in terms of how that conservation easement is to be recorded and with whom it resides. The standpoint of the focus of this project shifting, I think a significant job has been done towards advancing that particular concept; much more than the previous plan, and it's an approach that we're very comfortable with. One of the other things I would like to point out is, that in conjunction with the 25 acres of wetland, plus upland, that's going to be preserved on this site, this also joins with the approximately 25 acres of the preserved area with Rochester Villa. As a result, you have a significant area of environmental conservation in an area that is pretty heavily developed. I think, as a result in a community that has been developed as Troy this is quite an accomplishment. There's also a final element of the environmental area and that's what's been referred to as the "sacred grove" or the wooded knoll behind the church and that, too, is indicated on the plan to be preserved. We are satisfied with the approach that is currently being taken to preserve the wetlands. The other significant issue is the issue of the drainage in utilizing part of the wetland for additional storage. In my investigations with the petitioner's wetland consultant, a firm called McGregor, King, this particular area, that's being used for storage, is an area of poor quality wetland and actually the introduction of additional water in this area would really enhance the wetland environment, plus give the added benefit to provide additional stormwater storage in that area. I'm satisfied that that's a good approach in that particular area. Regarding traffic circulation, we have had some concerns about the traffic circulation plan that was previously proposed for the church, and in my opinion, it has been greatly improved. The internal traffic circulation is much improved. The only question we have raised, and at this point the petitioner is attempting to address, is the location of that most southerly drive. We had indicated that if it were to be located there, we would like to see it moved further away from Rochester Villa's parking lot because that's got to be an area where you're going to have some queue during Sunday morning and the further away you can get from the neighboring residents, the better. We had also made a suggestion that it be moved to the north of the boulevard because it could actually provide a greater distance between the two (2) driveways and we felt it might provide a better distribution of the dispersible traffic. This is currently under study. I am unaware at this point if that southerly location was actually recommended by City Staff or not, so that's an item that needs to be addressed. Another issue that we have, which I believe the petitioner is prepared to respond to, is the issue of screening. I think the screen across both the northern and southern boundaries needs to be enhanced. On the northern boundary, they are proposing a substantial fence; however, we think there needs to be more landscaping in addition to that. Along

the southern boundary, we also believe a more substantial screening is needed because there really could be a greater impact in that particular regard because of the parking lot adjacent to Rochester Villa. This is why we are recommending greater screening along that boundary.

Mr. Carlisle continued, stating there were several other areas that needed to be clarified and a number of these are technical areas. One of these areas that we raised questions on was the amount of parking the church was providing. However, in discussions with the church, we did find that they are actually conducting adult Sunday School classes concurrently with church services, which does impact parking. Therefore, I'm satisfied that the amount of parking they are providing is necessary, although there is one area that we're suggesting be either eliminated or landbanked, and that is that very little southerly wing of parking that is to the south of their proposed expansion. That area is built over a wetland and we see, for the amount of parking you're going to obtain in that particular location, we think, the environmental benefit of preserving that wetland is much greater.

Mr. Carlisle concluded, stating that this is the high point of our review Mr. Chairman, and if you would like me to answer any questions, I'd be happy to.

Mr. Kramer asked Mr. Carlisle if he could provide a clearer understanding on setbacks.

Mr. Carlisle stated, that the cover sheet of the site plan indicates a schedule of setbacks; however, in the case of the condominium units, the notation says "refer to the site plan". That's not a method I prefer. I would like to see those setbacks, actually the minimum setbacks they are providing, called out on the cover sheet of this site plan. Our device is to have the scale of the site plan to find out what the setbacks are and I've discussed this with their engineers and they've indicated that would be no problem.

Mr. Kramer asked, are the actual setback distances proposed adequate?

Mr. Carlisle replied, in his opinion, yes, with the additional screening.

Mr. Waller stated that it has taken some time to come to this point and we're getting close to the goal, would you comment on your review as you came into this and how the project is going to be better because of not only your review, but the concerted effort of all the concerned parties.

Mr. Carlisle replied, I think in several ways. First of all, in our initial review we felt that the environmental resources of the site could have been better recognized in the plan. The most significant feature of this plan now is that the environmental features of the site has been a significant focus of this plan and, furthermore, they're going to guarantee their perpetual preservation with a conservation easement. That is, I think, first and foremost one of the most significant things. I

think the second thing is the mix of uses now. You have a mix of housing types, the office has been eliminated, which is counter to City policy along Rochester Road, so now it's been replaced with residential units; the density of which is consistent with your Master Plan. I think the final item is that there's now an integration of the actual design elements of the site. The pedestrian circulation system, the amenities, the landscaping, although there's a little bit more in that regard that we would like them to do, but there is now, I think, a consistent approach to the physical amenities on the site to, again, make this look as a project planned as a unit. I believe those are the three (3) major areas I can point to that have been improved as a result of discussions with the applicant.

Mr. Storrs stated he honestly was not clear with all of the drawings as to what revision date, what write-ups with what revision date, etc., now comprise the PUD which we're being asked to approve. We've gotten a variety of inputs over time and quite a large stack of stuff at the last meeting, I'm wondering if anybody honestly knows what it is.

Ms. Lancaster stated, I am not sure we've gotten to the point of tonight's meeting for this Board to be aware, but I think Jim Clarke is going to appraise you of the fact that we have not received final revisions due to vacationing plans and other things from the architect, etc. What both Mark Miller and myself have asked of Dick Carlisle is that we get a neat, clean pile of the documents with dates and with an appendix so that this Board, when it gets to the point that's it's ready to make a motion, will be able to refer to those documents with dates and revisions and hopefully, that will satisfy all your requirements. That is in the works, however, you will not see it tonight.

Jim Clarke of Robertson Brothers stated, as Sue Lancaster just indicated to you, due to vacation schedules and getting the letters from your professionals, we started the work but are not able to present you with a completed package having lost a lot of time last week. We are in receipt of Carlisle/Wortman's letter of June 18<sup>th</sup> and the Troy Planning Department review of June 20<sup>th</sup> and all the other correspondence. There isn't anything in any of those documents that we see an issue with. I talked with Mr. Carlisle on some of the specifics and how he wants the issues handled and we will present to you by Friday, at worst case Monday of next week, a complete package with dates and a summary of any changes that were made from the set that you are currently looking at, which indicates how we address the concerns in those letters of the 18<sup>th</sup> and the 20<sup>th</sup>. Just an additional background, I had sent a letter out to the neighbors before this meeting last week asking if anyone had any questions going into the public hearing and I had one (1) phone call regarding our relationship to Emerald Lakes and I had to leave a voicemail saying that we had not changed any of those dimensions or relationships. The new books that you've received can be disregarded. They do not reflect the current updated information. All information in those books will be replaced on Friday with updated information. I heard you loud and clear in that you want a summary of the changes and that will be provided.

Mr. Chamberlain stated he has a few questions and starting with the southwest corner on the drive next to the existing residential, you heard Mr. Carlisle say that he would like to see that moved north and at the same time put some extra shrubbery in there to shield that; is that going to be a consideration you're going to bring forward to this Board?

Mr. Clarke replied yes and stated that Kevan Johnston was here to represent the church.

Mr. Chamberlain stated his concerns were if they were going to meet the main concerns that Mr. Carlisle brought up today of moving that road north, better buffering between the residential to the south and the church parking lot, better buffering to the north residents and the condo units, and the parking lot out on that little peninsula just south of the expansion and landbank that.

Mr. Clarke stated that in all cases I think we are going to adequately address all of Mr. Carlisle's issues and I believe he will be very pleased with what he sees. I will let Mr. Johnston talk about location.

Mr. Chamberlain stated my question wasn't so much about location but if you are considering moving it north.

Mr. Clarke replied yes, it has been moved north on their site plan.

Kevan Johnston of Woodside Baptist stated that all the issues that have been brought up with the church regarding the landbanking of that small portion of parking has been addressed. It is on the new plan. With regards to the southern entrance, that has been moved north about eight (8) feet with additional landscaping to the south of that. With regards to our screening, we've elected to do the same as Robertson Brothers with regards to a non-footed wood fence that'll run the length of our parking lot between ourselves and the apartments to our south. Another concern that was brought up was regarding our future expansion, and it is noted on the drawings that it has to come before you before anything additional will be done on the site.

Mr. Littman brought up the letter by our environmental consultant, Dr. Jaworski, recommending against approval, which I recognize is a couple of months old. It has been changed since; however, that's the last communication that we have received regarding this issue. Has that been addressed in some way, either to get that updated or given direction to ignore it or whatever?

Mr. Johnston stated he believes it has been addressed and asked Mr. Clarke to respond.

Mr. Clarke stated, I would ask the attorney. We had come to an agreement with your Planning Director, Larry Keisling, that J.L. Consulting was not going to be used because they were already hired by the church to inventory the site. We came to an agreement that the wetlands would be delineated and the line would be agreed to by the DEQ, which is the governing agency, which has been done. The application for the church portion of this has been submitted and has been approved with corrections, which are in the process of being made. Now, we don't have the permit because it was in the ninety (90) day pile and they gave us the comments on that application and the permit is forthcoming on the church portion of this development. I guess I need to talk to your attorney on how we have a guy on both sides of an equation.

Mr. Littman stated that the only point he wanted to take, which he made last time, was that we're shooting for a complete, accurate total package to turn over to Council when we get done with what we're going to do and that is the only thing in that packet that I know of, to the best of my knowledge, the only communication which we have about that issue, is the recommendation from our consultant to not approve. Either that needs to be updated, replaced, somehow made to go away. In my mind that can't be a part of the package we approve.

Ms. Lancaster stated that we'll make that a matter of priority and call Mr. Clarke about that and see if we can't get you what you need to make a complete record.

Mr. Clarke stated, I think there's further information he's not appraised of.

Mr. Chamberlain stated I think you're right, I think it's been overcome; but like Mr. Littman stated, it's still part of the record and we have got to clean the record up.

Mr. Kramer stated that in Mr. Miller's letter of June 20<sup>th</sup>, one comment made was that there will be a sidewalk connection to Lovell. I just wanted to make sure that we will see some detail of that; at least from my vantage point here, I don't see it on the sketch in front of me.

Mr. Miller replied that we did indicate to the petitioners that we wanted a pedestrian connection in this area and we have indicated that to them and they are in the process of preparing revised drawings. They will have to respond if they are going to include that; but I believe it's been the Planning Department's recommendation, and I think Mr. Carlisle and the Planning Commission's intent, to have that pedestrian connection.

Mr. Clarke stated that everything in the letter will be addressed. There will be a pedestrian connection to Lovell, and in addition, there was a request for an additional pedestrian connection in the area of units 1-6 of our condominiums up front. This also will be part of the new plans that are submitted to you, and I'll note those once again.

Mr. Starr stated that one of the things he hasn't seen in the packet is an outdoor lighting plan.

Mr. Johnston stated that is in the new landscape package.

Mr. Clarke stated additionally, the condos will have photo lights on their garages plus we have light stands at various intersections, which are detailed in the packet.

Public hearing opened. No public comment. Public hearing closed.

Mr. Starr asked if we really wanted to close the public hearing.

Mr. Chamberlain stated I want to close it. We advertised for tonight, everybody knew it was tonight, so therefore, it's tonight and no one wanted to talk, so we'll bring it back to the Board.

Mr. Chamberlain suggested tabling to the August 6, 2002 Special/Study Meeting.

## RESOLUTION

Moved by Kramer

Seconded by Starr

RESOLVED, to postpone the Preliminary Plan Unit Development for the Woodside Bible Church (aka Troy Baptist Church) /Robertson Brothers PUD, located on the east side of Rochester Road and south of South Boulevard, Section 2, R-1D, to the August 6, 2002 Planning Commission Special/Study Meeting.

Yeas:

All present (9)

Nays:

Absent:

## MOTION CARRIED

Mr. Chamberlain stated before we close this item, I want to ask the people who have presented this, do we need to keep all this paper?

Mr. Clarke stated there was no need to hang on to all the prior information as they will be preparing a whole new package.



### **SUBDIVISION**

4. **PRELIMINARY PLAT – TENTATIVE APPROVAL** – Evanswood Parc – North of Square Lake, West side of Evanswood – Section 1 – R-1D **(Application Incomplete – Item Removed from Agenda)**

### **SITE PLANS**

5. **SITE PLAN REVIEW** – Proposed Freund Site condominium, North of Devonwood, East side of Adams, Section 7 – R-1A **(Petitioner requests postponement)**
6. **SITE PLAN REVIEW** – Proposed Shady Creek South Site condominium, North of Long Lake, West of Somerton, Section 10 – R-1B

Mr. Miller presented a summary.

Mr. Vleck asked, on all the previous plans, that strip of land there on all the plans was indicated as wetlands, or was to be used for wetlands purposes. Do you know at what point that that changed?

Mr. Miller stated that most of the property that was in front of you in the development proposal is an outlot of the subdivision and it was considered wetlands, but what occurred is there were drainage improvements in the area and the land dried up. According to the reports, this is substantiated by the petitioner's consultants and the MDEQ's review.

Mr. Vleck said I guess my question is how the drainage was improved. Who did the improvements of the drainage to dry up the land? How did that happen?

Mr. Miller stated he believed they were just general drainage improvements. It is not unusual in the built environment where man-made improvements either move water or stop the flow of water where wetlands are created or they're changed. It is very common.

Mr. Kramer stated, as I look at the site plan, it looks like on Unit #2 there's a considerable amount of the Houghton Drain is on that property. Is that covered by any type of a separate easement, that for instance, would limit further development of things on that property, i.e., decks, patios?

Mr. Miller stated that a substantial portion of that unit will be covered by an easement for that drain. The future homeowner will not be able to build on that easement.

Mr. Kramer stated so that easement will be similar to other easements in other subdivisions.

Mr. Miller stated it's a utility easement for storm drainage, basically.

Mr. Kramer asked are we creating basically a non-conforming use there where you don't have the typical setbacks?

Mr. Miller stated the easement area can be computed into your setback. It is part of your property.

Mr. Kramer asked, if it's not buildable for extensions or things like that, what remedy or what process would the homeowner go through at that point?

Mr. Miller stated they have a limited area to build any improvements in the rear yard and there is definite development restraints in the rear yard in that they cannot build in that easement.

Mr. Kramer asked, that's not something that can be changed by a BZA variance?

Mr. Miller replied correct.

Mr. Kramer stated, as a minimum, for the information of any potential or future homeowners, that's the type of thing I would want to include in any approval.

Mr. Chamberlain asked, does that easement preclude meeting the minimum size of the building that would be allowed on one of these lots? There's minimum size requirement in the zoning district.

Mr. Miller stated minimum size of the unit or the lot.

Mr. Chamberlain stated not the lot size, the building size.

Mr. Miller stated the building envelope is outside of the easement area.

Mr. Chamberlain stated, I understand that; but, the building envelope, does it meet the zoning requirements?

Mr. Miller replied, yes it does.

Mr. Storrs asked why is the property north of Unit #5 look like a vacant lot to the north of that. Do you know if that's a different ownership pattern; why it was excluded?

Mr. Miller replied, to answer the question, no I do not know why.

Mr. Storrs replied okay, then we'll ask the petitioner then. In that rear yard, that relocated drain behind Unit #2 that we were talking about, is it that wide for detention purposes. Is that what's going on.

Mr. Miller stated that the width is so that it's more of a shallow slope drainage area, and, of course, to contain the necessary volume of water.

Mr. Vleck stated the existing detention basin that was obviously designed and constructed for the original development, are we to assume that this detention basin takes into account the fifteen (15) units?

Mr. Miller replied yes, it will have to be designed to accommodate those fifteen (15) units and it was constructed by the developer in the Shady Creek Subdivision which is north and west of the subject property that was constructed as part of that development for future developments, which Mr. Dabrowski might build.

Mr. Vleck stated, so it's not a given that it's going to stay in the configuration that it's at right now?

Mr. Miller stated he believes it will but Mr. Al Bayer, the engineer for Durant Development, is here and he could probably answer that a little better. However, it was sized for future development when it was originally built.

Al Bayer stated, I'm with Nowak and Fraus, Consulting Engineers and I'm representing Durant Development tonight. The Oakland County Drain Commission improved the Frederick Drain and all flow was intercepted to the Houghton Drain. Therefore, the flow to the Houghton Drain was dramatically reduced. As a result of the flow decreasing, the nature of the wetlands has changed in that area.

Mr. Chamberlain commented that another question that had been asked was the size of the detention pond.

Mr. Bayer stated the size of the detention pond is sufficient.

Mr. Vleck stated, the detention basin appears to be a relatively steep detention area. How much standing water do you anticipate staying in that basin and what is the planned construction around the detention basin?

Mr. Bayer stated that the pond is a 1:6 slope which conforms to the City and Oakland County Drain Commission's and does not require fencing. It is designed to be completely dry.

Mr. Vleck asked why were they split into two (2) phases?

Mr. Bayer stated Shady Creek North didn't have any wetlands on it and we knew that Shady Creek South did. We didn't want Shady Creek South to hold up Shady Creek North and that's why it was developed into two (2) separate phases.

Ms. Pennington asked about the lot to the north that's wooded, what is going to be happening with that?

Mr. Bayer stated that it's one of the units of Shady Creek North.

Ms. Pennington asked, with these site condominiums that you're building, are they compatible with what's across the street?

Mr. Bayer replied yes.

Mr. Kramer asked if the five (5) houses would have basements.

Mr. Bayer replied, yes, and stated that they will have geo tech engineers designing the basements for those units.

Mr. Storrs asked who owns the property north of Unit #5?

Mr. Vleck stated that area that you're talking about is actually the platted lot 19 of the original Shady Creek Subdivision.

Mr. Miller stated he believes it is Francesco and Monica Fazio who live on Yorktown in Grosse Pointe Woods.

Charlene Calabro, 488 Trillium Drive, stated that when they moved into Shady Creek South, they moved in because of the trees and the wetlands. We were told the wetlands would not be developed. She voiced her concern for the valuation of her property. She asked that the Commission please postpone their decision for further study.

Mr. Raymond Santangelo, 5182 Shady Creek Drive, stated that with all due respect to the experts, these are wetlands. We were told at a meeting with City Council that this was just preliminary approval and that they will still have to go through the MDEQ and MDEQ is the one who will protect your interests in terms of the wetlands here. When we went to MDEQ, they said they only make a determination whether there are wetlands or not, it's City Council that should be dealing with whether these plans are appropriate for this area.

Ms. Roberta Wells, 5057 Somerton, stated she has two (2) small children and is concerned if the drain doesn't empty properly, that her children may fall into the water.

Mr. Jerry Richard, 487 Trillium, asked if this was such a slam dunk and this is such a dry area, why was the developer admitting special considerations already had to be made for the basements because of the hydraulic pressure?

Ms. Dorothy Dettloff, 660 Creston, stated her concern about her grandchildren. She stated that despite what has been said about the basin being dry, it is not dry. She stated that it was her belief that this property has been sold three (3) different times because they were always told they could not build a house with a basement.

Mr. Raja Rajendran, 5179 Shady Creek, stated that when it rains, his basement leaks and his sump pump is always running.

Mr. Morgan Subbavayan, 5107 Shady Creek, stated that we all have one major problem and that is water in our basements. The suggestion I have is that consideration be given for redesign of the detention basin. Maybe line it with clay which would hold the water until it completely drained. He also commented on the safety factors for the children in the area and suggested that 100 foot of woods be retained around the basin to keep the children out of the area.

Mr. Carroll Christopher, 5089 Shady Creek, stated that he lives directly west of Unit #5 and believes that the wetlands have not dried up.

Mr. Chamberlain asked Ms. Lancaster if the builder can build here.

Ms. Lancaster stated that this is a site plan and if the developer meets all City and other agency standards, then the Planning Commission has no choice but to recommend approval. We rely on the MDEQ to issue a permit and the MDEQ did issued a permit stating that no wetlands exist. As long as it's legal and in compliance, this Board's hands are tied by state law to pass the site plan. They have to approve.

Mr. Storrs asked if there was anything to prevent the developer from just coming in and filling this development in. How much fill-in can they do?

Mr. Miller stated that the petitioner had to secure an MDEQ permit on this property and in regards to how much filling-in was allowed, he could not answer that. However, I don't think there is a strict requirement for how much volume goes in there. There are certain standards for positive draining of the site.

Mr. Vleck asked would there be any additional consideration that the petitioner would have to take into account had both of these proposals been proposed as one plan?

Mr. Miller stated that potentially, if the total number of lots is twenty-five (25), there could have been an environmental impact statement prepared. An environmental impact statement would address a number of issues related to utilities and things of that nature. It's more of an informational requirement by a petitioner. It is not regulatory, which would change the layout or things of that nature.

Mr. Vleck stated according to this, between the two, we've got fifteen (15) total units, so it would not have affected it if it was put in as one.

Mr. Miller stated it would not have required an environmental impact statement with fifteen (15) units if it had been proposed as one development.

Mr. Waller stated that we have started to see rear yard drains in various projects that have come in front of us. Is there a requirement for a rear yard drain to be provided in this situation.

Mr. Miller stated that new homes should have rear yards drains. Approval of those drains is by Engineering and is worked on after preliminary site plan approval.

Mr. Kramer stated that what we're staring at here is a site plan and we are chartered with reviewing it and approving it if it meets the requirements and the City attends to the health, safety, and welfare of the citizens. Even more so, the citizens of these new homes, particularly lots 1, 2, and 3. I don't think there are complete answers before us tonight for the health, safety, and welfare of these future citizens based on this site plan. Although this is a 2-dimensional drawing these people are going to have to live in 3-dimensions. My recommendation is that we table action on this preliminary site plan until we can see a grading plan and some cross sections that are going to convince this Board that we are not creating a problem.

## RESOLUTION

Moved by Kramer

Seconded by Storrs

RESOLVED, to table the Preliminary Site Plan Approval for the proposed Shady Creek South Site condominium, North of Long Lake, West of Somerton, Section 10 – R-1B, until this Board sees a grading plan and some cross sections, particularly on lots 1, 2, and 3.

Yeas:

All in favor (9)

Nays:

Absent:

MOTION CARRIED

Mr. Vleck stated he would like to see included in the motion that answers be provided as to how the wetlands actually dried up. We would like to get some clarification as to how that took place.

Mr. Miller stated if you look at your plan, along the north area of the right-of-way for East Long Lake Road, there's a notation of a 78 inch Frederick Drain OCD, which stands for Oakland County Drain Commission. When that was installed, that took a good portion of the flow of the Houghton Drain and that improvement reduced the amount of water into what was at one time wetlands.

Mr. Chamberlain asked Mr. Miller if he could provide the date the drain went in and prior to that, when was the MDNR first delineation and when (date) was the area no longer considered to be wetlands.

7. SITE PLAN REVIEW – Proposed Crestwood Site condominium, North side of Wattles, East of Livernois, Section 15 – R-1C

Mr. Miller presented a summary.

Mr. Waller asked, at what point can the applicant petition the MDEQ for the wetlands permit? Is that after our action or after Council's action?

Mr. Miller stated they have a MDEQ delineation of the wetlands right now. The normal process is, after preliminary approval, they would then prepare for their Engineering and gain all of their necessary permits. If there is a flood plain, the homes will not have basements. Among expert concerns regarding the design and construction, there would not be basements in the flood plain area. The developer felt the homes would sell even without basements.

Mr. Murray Deagle, 328 Evaline, member of RWT, I brought the new drawing up and will put it up for everyone to see. He stated that they met with Mr. Miller a while ago and talked about a lot of combinations to this site. We don't have any wetlands that are being mitigated by the MDEQ with this design. We also hired our own expert, plus we worked with the DEQ, who were very accurate on the site before we purchased it.

Mr. Deagle continued with a longer summary.

Mr. Storrs stated, your plat includes all the property over to Hanover Street; that's part of the plat, right?

Mr. Deagle replied, well it won't be a plat, it's a site condominium laid over the top of the original plat.

Mr. Storrs stated, it's all contiguous as part of the item we're being asked to look at. What's the "future area development" mean on that?

Mr. Deagle replied, "future area development" means we didn't want to give up approximately 50% of the volume of the property because we know that the City has been slowly working toward building a large retainage area on the south side of Wattles. At some point we have been discussing the reduction of flow in this drain with HRC over the last few months. We feel that the flow restrictions are going to drop approximately 60%, and eventually, when they complete that retainage area on the south side of Wattles, it's quite possible in years to come this will become a very valuable piece of property. So we wanted to preserve that. We plan on keeping the trees in that area, but we didn't want to plat it as a natural preservation area at this time and lose it.

Mr. Storrs stated he was uncomfortable though indicating the term "future area development" might mean to someone down the road. Do you have a problem if we just take that notation off of here.

Mr. Deagle stated he would have to talk to his Engineer at Nowak & Fraus.

Mr. Littman stated that it was his understanding that in a flood plain, you can't build anything that restricts the flow of water. What does a flood plain indicate? What can you do or cannot do in a flood plain?

Mr. Deagle replied, could you be a little more specific on your question.

Mr. Littman asked, the fact that it's designated as a flood plain, what does that mean?

Mr. Deagle stated, it means you can't have basements; you have to build crawl spaces.

Ms. Pennington asked, the storm sewer in the north section that's on the west side there, where does that flow through to?

Jeff Huhta, 5600 Meadowbrook Court, Clarkston, MI, stated he is from Nowak & Fraus Engineers, and that he is the design engineer on this project. He continued stating that the wetlands that were delineated are totally contained within the drain itself. There will not be any impact to any, or going through any other regulated wetlands that are delineated on the property.

Mr. Huhta continued, commenting on the difference between floodway and flood plain. In a flood plain there is no movement of water; it is just storage of volume of water. There will be no construction within in the floodway. However, you can build in a flood plain with an MDEQ permit.



He further commented that earlier tonight we were made aware of the construction on the Fredericks Drain and that flow has been taken out of the Sturgis Drain. This will promote a reduction of flow on this property. Also, the City commissioned work to be done on Livernois which further reduced the amount of stormwater that is transferred through the Sturgis Drain. Those two facts are going to lead to some sort of determination by the MDEQ, which we feel will be positive in reducing the flood plain on this property.

Mr. Huhta further commented on the question earlier posed by Mr. Storrs regarding the interpretation of "future development area". He stated that the original submittal to the City excluded the future development area of the site plan. It was added as a request from the Planning Department to give an idea of what the final site would look like in the future.

Mr. Miller stated that we didn't ask what the "future area development" would look like. What we asked is, what are the future plans in relation to a development? We looked at it initially with a road going through. We always look to what might happen. And then we saw this project with a stub street there and we asked why are you going to put in a stub street? Where is it going, into this drain, which at one time in the process was considered a park. Put a cul de sac in. They said no. So we indicated that they show what their future plans are. We did not see it as being feasible, at least in the near future and if ever feasible. But, their intention is in relation to why it's a stub road, they want to have an opportunity in the future to continue that development, and that's what it shows.

Mr. Bruce Bloomingdale, 4264 Tallman, stated that his one overriding concern is regarding traffic. He stated that his home is on the east end of Leetonia and that it has become a race track. An officer sits in front of my home several days a month controlling traffic. I'm convinced that if Tallman is opened straight through Wattles, especially with the backup of traffic during the rush hour eastbound, that the temptation to use Tallman as a thoroughfare to go north to get to Rochester Road is going to be irresistible. A secondary concern is the amount of screening. I own a home at 4235 Tallman and I hope there will be some screening provisions.

Mr. Bruce Baker, 380 E. Wattles, stated there has been talk that a couple of different engineering firms and the Public Works Director, having reviewed this, and think that the flood plain will move at a certain time, but what communications have there been with the U.S. Geographical Survey regarding the change in the flood plain boundary?

Mr. M. J. Molner, 462 E. Wattles, stated that he has two concerns. One is that I have been living in my home for fourteen (14) years now and for those 14 years I have struggled with the City trying to come up with a solution to my basement flooding because of the land directly across from me where they're proposing to build condominiums. That is a water retention area and if it rains excessively, that water would back up into my basement from the City's system. What I'm concerned

about is, that if they build on this retention basin what it's going to do again to my property. Another concern is if they bring Tallman through to Wattles, it will line up directly with my driveway.

Ms. Cynthia Carbone, 4250 Tallman, stated she has several concerns. I have walked along Tallman, Randall, Livernois and Longfellow and have talked to several residents. Seventy-five (75) are opposed to this proposed development. Most of them, 92% in fact, are opposed because of the traffic that is going to end up in the development with the number of school children and the elementary school being on the main section of Tallman. So please consider our children's safety when you consider this.

Ms. Debbie Grooms, 424 Leetonia, stated that she knows that she is in a flood plain. I am concerned that once this is reviewed with the flood plain, that the neighbors that back up to that property, how that will affect them?

Mr. Molnar stated that he, too, had canvassed the area as did Ms. Carbone and that not one (1) person is in agreement with this proposed condominium site.

Public hearing closed.

Mr. Chamberlain stated, that when you look at the City street map here, this is where we're tying it together; so if we open up Tallman on to Wattles, we're putting a straight road a half mile into the school and we're also tying into a straight road, Leetonia, that goes west another half mile; we really don't want to do those kinds of things. Even indirect connection is not necessary.

Mr. Chamberlain directed his comment to Mr. Miller commenting on one of the gentlemen asking about the U.S. Geological Survey and that Mr. Miller probably does not have an answer tonight, but we need to get that answered on who does control flood plain maps.

Mr. Miller stated it is regulated on what's called the FIRM map which is issued by FEMA . FIRM stands for Flood Insurance Rate Map. MDEQ is also involved in that. What sets a regulated flood plain or floodway is the FIRM map.

Mr. Chamberlain asked, does the U.S. Geological Survey build this?

Mr. Miller replied, no. This is built by FEMA.

Mr. Chamberlain asked, where do they get their data from?

Mr. Miller stated, they do it by research. They go out and do studies.

Mr. Chamberlain commented on raising the grade in the building process and that we know that happens. We can make all the claims we want about when we do the

engineering that we won't cause any more water on people's property, but we got a lot of people in this City that won't agree with that; and all those folks that live along the south side of Leetonia, that back into this project, how do we reassure them that the building of this won't trap water on their land?

Mr. Miller stated, what we need to do, as the Commission has done in the past, is request some additional information on how the stormwater will be handled. During your process, you are permitted to look at generalized stormwater systems to insure the health, safety, and welfare.

Mr. Chamberlain stated, but it has to pass us before the process goes through engineering. If that happens, we'll never see it again.

Mr. Miller stated, you can request to look at generalized engineering information to see what they are going to do.

Mr. Chamberlain commented, I guess I'm not convinced.

Ms. Lancaster stated, go ahead and do a preliminary approval with conditions that you want it to come back to you after certain things are accomplished.

Mr. Chamberlain stated, that at this time, he was going to go around the table for comments.

Mr. Storrs stated that he agrees that Tallman shouldn't go through to Wattles.

Mr. Keoleian asked, if we do a preliminary approval and it goes through with conditions, do we have any legislation where we can actually do something when it comes back to us? Can we make any changes then?

Ms. Lancaster stated, you will be unable to make any changes if all your conditions have been met. You could possibly put an open ended condition on it that if any of the other conditions affect other problems, that you be allowed to look at that thoroughly.

Mr. Littman stated his only problem is with the flood plains and the floodway. That determination is and can be going on without us approving the plan. It seems to me that it would be pretty useful and important for us to know where that is. I don't know where that stands or how long that takes. I for one would like to see it tabled for that reason if no other. I also agree with Tallman not going through to Wattles.

Mr. Wright stated, he also agrees with Tallman not going through to Wattles.

Mr. Waller stated that it is his impression that the City has allowed prior construction on flood plains. The man stated he has built houses like that, and I presumed he

meant Troy. Is there some new policy that we're concerned about this now versus in the past?

Mr. Miller stated, you are allowed to build in the flood plain as long as you meet certain criteria and that is not new.

Mr. Waller continued stating, as a property owner, they would have the right to state this is a "future development area". I don't know how we can stop him from including that by telling him to please take that off his drawing. If he has the intent to do something in the future, well, he's told us. The man owns the property, he has the right to say that.

Mr. Starr stated that he is a big advocate on interconnection. However, I feel, connecting Tallman to Wattles is dangerous. Perhaps we need to be a little more creative about how the connections would work. So either we need to be a little more creative to make that more difficult, or in this case, we would have to disconnect that. I would like to see some creativity to make this work.

Mr. Chamberlain stated that he personally does not think creativity will work. In this case, he doesn't believe there is any workable solution.

Mr. Kramer stated that he had nothing to add but a comment for the residents in the audience; a reminder that this property is currently zoned R-1C. This falls within the density allowed in the R-1C classification.

Mr. Vleck stated that he would like see what considerations are taken into account as far as the holding and flowing of water and he would also like to put his support in for more of a potentially U-shaped access for what's called the Crestwood Court and not hooking it up to Tallman.

Mr. Miller stated he had one comment regarding the traffic circulation patterns. The Planning Department has probably prepared every single option that possibly could occur there, so we do have those. The petitioner came in with a direct connection and I told him that the residents are going to be up in arms over that and the petitioner felt that that was a battle which he could fairly fight. I would also note that the Traffic Engineer concurs because you have stacking of cars going westbound on Wattles because if you present a cut through, people are going to use it. So what it comes down to, is where do you want the access from and to the development that could occur there. Do you want it from Wattles or from Tallman?

Mr. Huhta from Nowak & Fraus stated there are a couple of key points here. One is that this is an existing platted subdivision and I think we've kind of glossed over that fact. My understanding is that we're here before you tonight as more of a convenience, not as a requirement. There was a development that was done to the west. The fact that this is a platted subdivision, lot splits could have been conducted and this property could have been developed without the benefit of site plan

approval. The developer concurred with the Planning Commission's request to go through the preliminary site plan process. The connection to Wattles Road was done at the request of the City Engineering Division to accommodate a safety issue. I understand in regards to safety issues that you are really focused in a number of different directions. One is you've got traffic and additional traffic on Tallman drive, but you also have the safety issues relative to providing fire protection services, ambulance services, things of that nature into that residential district. To totally bypass the issue that we don't want that connection out of Tallman, I think that those comments need to be made. I think that was a reason why the Engineering and Planning Departments requested that connection through to Wattles.

Mr. Littman asked, in looking at where the flood plain delineation actually is, will they also be looking at where the floodways are? Is it possible that where you indicated on the map isn't actually where they are?

Mr. Huhta stated that I would assume as a part of that revised study that HRC is doing, there may be an amendment to the floodway boundary as well. There's less water flowing in that drain than what existed when the existing flood plain maps were produced. So the answer to the question would be, to the best of my ability, there would actually be a reduction in the floodway. Irrespective of that, our development is nowhere close to the floodway as a part of what we're applying for at this point. We are strictly working within the flood plain. A flood plain is determined by two (2) different things. When you look at the FIRM map, the FIRM map has identified on there a benchmark system and it has identified on the FIRM map elevations that the flood plains at particular points along the route of that drain. When you categorically say that this property is totally contained within a flood plain because the color on the FIRM map represents it, it doesn't necessarily mean that all of this property is within a flood plain. When you look at the site plan drawing, we do identify a secondary line on there. That line was surveyed as a result of us tying into the FEMA benchmark system, conducting a survey of the property and actually identifying exactly where those topographic limits were. The fact that this entire property is colored in, it's colored in as a result of what the FIRM map shows, but as it relates to the actual true limits, those can only be determined by a field survey by which we've conducted. And those limits are substantially less than what is being purported on the FIRM map. What we would do in that case is we would apply for an amendment to the FIRM map and provide them with our survey data, show them that our property, even though their FIRM map identifies that all of it is in the flood plain; that in fact, portions of it are not in the flood plain.

Mr. Deagle commented that he would like to address Ms. Pennington's concern and stated that as far as the cut sheets, soil and that, this design calls for a rear yard drain of probably eight (8) to twelve (12) inches with each house having an individual sump pump system. As far as the water flowing on to the people's property to the north, that won't happen because when you have the rear yard drain with the pea gravel with the twelve (12) foot easement and it's all pitch graded down from the house brick ledge, it's not like it's going to rise up. Is there someone who

can review these cut sheets that can understand them because we've got a complete drain system that's required for this and that retention pond is calculated to hold this volume of water?

Mr. Chamberlain stated, the real problem is that you can put in your rear yard drains, but what about doing something on that north lot line across there. The east/west line effectively creates a dam for all those people that will probably end up having all their water run off of their property north to south and now is held in their property.

Mr. Deagle replied, no. The way that their property works, their water runs into our rear yard drainage. They'll actually benefit.

Mr. Chamberlain stated, the problem is new developments get started and what happens is that the new developments meet all of our standards and for some strange reason, the older residents that are next door to this end up with nothing but lakes in their backyards. And that's what we, in the last couple of years, have started to take serious looks at. We want to see how we can keep that from happening. And you can talk all you want to about your rear yard drains, but for some reason, a lot of times those rear yard drains in the property you have don't drain and ends up on the property next door and they don't have a drain and they're now under water. That's where we're coming from on that.

Mr. Deagle stated that they will be happy to meet with Engineering to make sure we can alleviate that problem.

Mr. Deagle continued stating that this project lays in an area that was on your Natural Preservation Map. Of course there are a lot of people who are unhappy to see this large woods come down. However, it does meet the City Master Plan.

Mr. Storrs stated, you may have the answer to the flood thing but I'm not sure you were going to match the grade level at the lot lines to the north; therefore, any water that was flowing from the north to the south would continue to do that and then get picked up by your rear yard drains. Am I understanding that correctly?

Mr. Deagle replied, yes, that's correct. If we had to increase the capacity on the pipes in order to alleviate that problem, I don't see any problem doing that. We're trying to move forward in this process so we can get this project moving this summer and maybe get the roads in by Christmas, that's our objective. We are willing to do whatever's necessary with Engineering to move this forward.

Mr. Vleck stated he would like to come up with some kind of motion that would put conditions in as far as how we're going to look at the streets. Try to figure out a way we can get a preliminary approval with a few conditions put on it so we don't hold up this process.

Mr. Chamberlain stated he agreed. The problem with this is that Mr. Miller started it off by saying nothing can happen until it gets preliminary approval. This is different than any other one. But at the same time, we've got to make sure that certain things that really give us problems, like the street layouts, are taken care of and don't get lost in the process because we are never going to see this again and we will no longer have any further influence over it.

Mr. Vleck stated that one of his questions is about the road already being platted and if the petitioner would have a preference or, if there are any other layouts that they'd consider or would prefer if we didn't hook it up to Tallman.

Mr. Chamberlain asked, if Tallman goes away as a street, what would you prefer as a road system in there considering that you don't have Tallman to the north?

Mr. Deagle stated that if Tallman is not an option, then the developer would rather see an eyebrow connection to Tallman. The developer would like to maintain direct access to the school system as a part of this development. They don't want to have a dual connection on to Wattles Road because it makes the parking ability in their lots much more difficult and I think would impose an unfair burden on them to have difficult access to the school system.

Mr. Chamberlain stated to Mr. Vleck that he thinks he has a solution for him. He stated, where Tallman is on the north part of that drive, we've got an east/west then a north. If that north drive would not be a car drive that would be an easement for foot traffic to go to the north, to the school district, we do that a lot in other subs to get access to the schools and that way we allow the interchange of people north and south, but you don't end up with cars going north and south. On the east/west road have a small cul-de-sac on the west side so that if he wants to go further west, you can pull that out, and keep on going west. I'm here to tell you, the sense of this Board, is you're not going to get an automobile connection to Tallman to the north from us.

Mr. Waller asked Mr. Deagle what he meant by eyebrow connection?

Mr. Deagle stated eyebrow is basically a half of a cul-de-sac, which provides for larger turning movements.

Mr. Vleck stated that one of the things that we have to take into consideration is this developer does have the option to go through and develop it as it's platted right now, and there would be a lot less control and consideration that would be taken into account as far as the drainage and traffic would go. It seems apparent that the petitioner really wants the connection to Tallman Drive.

Mr. Chamberlain stated I understand that, but at the same time, when it's all said and done, there could be a road block thrown across Tallman at the north edge of

his property and he could have a street going all the way up there but it wouldn't go any further.

Mr. Kramer asked Mr. Chamberlain if he would again explain why the Commission would not be in favor of a single connection to Tallman.

Mr. Chamberlain stated, because when you go over to Leetonia on the east/west, that's a half mile long straight stretch and you're just adding a lot more traffic on to that road from all these houses that would potentially be in there.

Mr. Kramer stated, we're talking fifteen (15) houses here.

Mr. Chamberlain stated, or more than fifteen (15) because of the development to the west.

Mr. Kramer continued, stating, I don't remember exactly what the school district's guidelines are, but there's going to be people driving their children to school and if they do have to go out on Wattles, it's not a good thing either. That's the trade-off in my mind.

Mr. Chamberlain agreed that's a trade-off, but that's a small trade-off compared to all the number of houses that will be opening up to a lot of traffic.

Ms. Pennington asked Mr. Chamberlain, what was our thinking on that eyebrow idea?

Mr. Chamberlain stated he is waiting for some ideas regarding the motion.

Mr. Starr stated that the petitioner is talking about an existing plat and that they are just coming for convenience. I'm not really sure what he means by convenience. You kind of shook your head no that he couldn't proceed with the existing plat.

Mr. Miller stated that the petitioner is talking about two (2) different things. One, there is an existing plat if you pull out the topographic survey, you can see where that existing plat is. The problem is, is that developable the way that it is there? Is that what the petitioner wants? I think what he was planning on doing was splitting combines of existing lots, which are there in the existing subdivision. Now, I think he also made the comment that he would not have to get any approvals to do that, but I think, in comparing it to a development to the west of here, I think that development did get some approvals from City Council under the development of unplatted property section of the zoning ordinance. From my standpoint, I don't see the existing plat as being a feasible way to develop. If it is, then I just don't understand what the developer is talking about exactly when he said that. The road's not centered in that plat and it would have to be.



Mr. Miller continued, stating that the road would have to be vacated and moved and that takes a number of actions from this Planning Commission and City Council. I don't think he can just go in and do it. If he could, then why didn't he do it.

## RESOLUTION

Moved by Storrs

Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Site Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential site condominium, known as Crestwood Site Condominiums, located on the north side of Wattles Road and east of Livernois Road, located within Section 15 and the R-1C zoning district, including approximately 23 units and 12.27 acres in size, be approved subject to the following conditions:

1. Add a cross-section showing three (3) foot either side of the north property line.
2. Show continuation of the existing grade to insure that existing water flows are not changed due to the development and that those flows will be picked up by the rear yard drain on this development.
3. That Tallman Street not be connected through to Wattles Road.
4. That the existing Tallman Drive to the north only be connected to this subdivision by a pedestrian and bicycle access for the purpose of access to the school to the north.
5. That any changes to this site plan shall be approved by the Planning Commission.

Mr. Wright stated to Mr. Storrs that he thinks these people are going to be trapped in the subdivision because you said no connection of Tallman to Wattles, then you said on the north end, Tallman can only connect by a pedestrian access. There's got to be another road there some place.

Mr. Storrs stated what he was trying to say was that he didn't want Tallman to go straight through from where it is now right on down to Wattles.

Mr. Chamberlain stated that Tallman street is not connected to Tallman to the north, the connection will only be a walkway or bikeway, to access the school to the north.

Mr. Miller stated that the major issue he was trying to clarify is that the access to the proposed side condominium would be from Wattles Road, not Tallman, but Tallman would have a pedestrian/bike access to service the school to the north.

Mr. Chamberlain replied, yes.

Mr. Miller continued, I just want to clarify the resolution when you talked about twenty-three (23) units. Mr. Storrs, to clarify, in your resolution you talked about twenty-three (23) units. Do you care if they can't put in twenty-three (23) units, do you want to stick to twenty-three (23) units? Do you understand what I'm saying? You specified twenty-three (23) units.

Mr. Storrs stated let's have it say "including approximately 23 units".

Mr. Chamberlain asked Mr. Littman if he agrees on those changes because you're the second.

Mr. Littman stated he agrees.

Mr. Wright stated you might want to include in the motion that any other changes to the site plan have to come back to this Board.

Mr. Storrs agreed.

Mr. Starr stated he doesn't think he quite understands the motion. It's not clear.

Mr. Vleck stated it is his understanding that we're just not going to connect Tallman on the northern stub there. That will be changed from a full street that will just be a pedestrian/bikeway access.

Mr. Chamberlain stated which actually frees up land for the developer because it only has to be twelve (12) or fifteen (15) feet wide.

Mr. Miller stated he wants to make sure that everybody understands the resolution so there's no confusion. I just want to make sure that we understand that in our resolution you're not addressing whether there's a cul-de-sac or a stub in this area, I mean in any of the areas. Within the realms of your resolution, you're going to allow the Planning Department and the developer to sit down and come up with a layout to submit to City Council that meets your conditions.

Mr. Chamberlain stated that the other condition was the grading on the north.

Mr. Miller stated I meant that all the conditions would have to be met.

Mr. Starr stated that in Mr. Storrs motion, right now the way it stands, it leaves the western portion stub, or cul-de-sac, or whatever, but not coming out to Wattles. Is that correct? Where Tallman comes out to Wattles on the drawing now is the only access to that subdivision period, at this point.

Mr. Miller stated they could stub it with a temporary turnaround to the west for future access. That could happen if they think they're going to develop that western portion at some time in the future.

Mr. Kramer stated, as a point of clarification, I understood Mr. Storrs motion to say there would not be a vehicle connection to Tallman and I don't believe he specified the rest of the layout in terms of where the connection would be to Wattles.

Yeas:

Vleck

Waller

Littman

Kramer

Wright

Pennington

Storrs

Chamberlain

Nays:

Starr

Absent:

Mr. Starr stated he does not particularly object to the concept, I just feel it is a little bit too nebulous at this point.

MOTION CARRIED.

8. SITE PLAN RECONSIDERATION (SP-25) – Hollywood Market, North side of Maple, East of Coolidge, Section 29 – B-3

Mr. Miller presented a summary of the report.

Mr. Wright asked, if they were to angle that parking around the building, I assume they would lose another parking space.

Mr. Miller replied yes, I believe so.

Mr. Wright continued asking, so they would then have to go back for another parking variance?

Mr. Miller replied, yes, and it is also a handicap, I believe there were some issues in regards to that. They wanted to keep it that way; up against the building.

William Welch, 1125 Vinsetta, Royal Oak, stated he is the President of Hollywood Supermarket.

Mr. Chamberlain asked Mr. Welch if he had any thing he wanted to add to Mr. Miller's presentation and stated we are looking at the dumpster I presume. Is that what we're looking at? Also, what is the 1, 2, 3, on here.

Mr. Donnellon answered it just shows the number of dumpsters.

Mr. Chamberlain asked, and where you propose to put them, right?

Mr. Donnellon replied, that's where they are.

David Donnellon, 2151 Livernois, commented he wanted to address the comments made by the Planning Director and stated that they were concerned about the location of the dumpsters. The are behind the wall as indicated on the plans that we gave you. Our efforts to improve circulation, reduce traffic hazards on Maple Road, and allow the trucks to get in and out, have resulted in a plan that we have presented to the Planning Department and are before you right now. We are looking for approval of that plan so that we can re-stripe the parking lot and do some other physical improvements.

Mr. Littman commented that he was not sure how much room would be needed to maneuver the trucks and the dumpsters. He stated that he could not picture a truck coming in to that area and picking up garbage and being able to maneuver within that area.

Mr. Donnellon stated they pick up #1 and #2 easily, they set #2 aside, pick up #3, move #2 back in place, and drop it and back out of there.

Mr. Littman asked if they were angled.

Mr. Donnellon replied, yes.

Mr. Chamberlain asked, where it says loading and unloading zone, is that the width of a truck?

Mr. Donnellon replied, yes it is.

Mr. Kramer commented he was happy with the solution proposed and that we're ready to take action and stated to Mr. Welch that he had an awfully successful business and that he should be proud of it. However, I just wish there was a way to encourage the patrons to use some of that rear parking.

Mr. Starr stated that he agreed that they have done a really nice job. He commented about the turnaround on the south and stated he really hates to put

another sign in there; however, he stated he wanted traffic to yield to traffic coming in. There's already a one-way sign there, which is sign "F".

Mr. Donnellon asked, you also want it to read yield?

Mr. Chamberlain replied, yes, for eastbound traffic.

## RESOLUTION

Moved by Waller

Seconded by Pennington

RESOLVED, that Preliminary Site Plan Approval, as requested for the Hollywood Market, located on the north side of Maple Road and east of Coolidge Road, located within Section 29 and the B-3 zoning district and being 2.07 acres in size is hereby granted, subject to the following conditions:

1. This plan will allow three (3) driveways to exist to serve this property from Maple.
2. A stop sign will be added to sign post currently labeled "F".
3. The three (3) dumpsters that are located immediately north of the freezers and south of the barrier wall will stay in that location in perpetuity.
4. The requirement for a deceleration lane is temporarily waived until all businesses on the north side of Maple Road from Coolidge to Crooks Road are required to install these same two (2) items.

Yeas:

Vleck  
Waller  
Pennington  
Chamberlain  
Starr

Nays:

Littman  
Kramer  
Wright  
Storrs

Absent:

## MOTION CARRIED

Mr. Storrs stated that he thinks a deceleration lane is needed.

Mr. Wright stated that is exactly how he feels.

Mr. Kramer stated that he felt the original logic of the Commission was correct and that a deceleration lane was needed.

Mr. Littman stated, basically, the deceleration lane, whether anyone does or does not have it, I think we're creating a safety problem by not having one there.

9. SITE PLAN REVIEW (SP-868) – Dequindre Professional Building I, Proposed Office Bldg., West side of Dequindre, S of Wattles, Section 24 – O-1

Mr. Savidant presented a summary.

Mr. Kramer asked why are we considering these three (3) plans separately. Why is it three (3) separate sites.

Mr. Savidant stated that this one and the one to the north are owned by the same person at this time, but he intends to divide it in time. The one north of the second site is owned by someone else.

Albert laFrate, 978 Westchester, Grosse Pointe Park, stated he submitted two (2) different applications because I do have one medical group that is in a proposed partnership for the first piece and I have another medical group that has approached me on the second project, so I did put a contract in place with the Kwons, who are actually up with this third piece, number 11 tonight to purchase that contingent on some variables of site plan approval. We've submitted both of these together with the understanding with the Planning Department that we will probably be developing these at two (2) different times.

Mr. Vleck stated there is a dumpster in the southwest corner and that's where the residential property abuts, is there a possibility we can move that dumpster to a different location, maybe more to the center of the property?

Mr. laFrate stated that his technical person is not present tonight, but that he assumes that they can accommodate the change.

Mr. Chamberlain stated that most dumpsters are higher than six (6) feet and therefore you're really not screening them. Also, this is as close to the residences you can get and now you get into a noise problem with early morning pick-up.

Mr. laFrate stated that he hoped that the Commission recognizes that these are medical buildings and the amount of waste would probably be minimal; maybe, once a week pick-up. I'm not sure of dumpster sizes and what is available, but I do know that there are different heights and we certainly want to accommodate the City and we'll look into that.

Mr. Kramer stated that on this building and the other building, do you think that you will only have one public access to the building or is it large enough that the tenants might, at each end sometime, have public access. Which is the public access? Is there more than one, or could there be more than one?

Mr. laFrate stated that we are showing two (2) currently, but we could have more, depending on the size of the tenant.

Mr. Kramer stated that was his thought exactly and he didn't think it made any sense to have all the handicap parking by one building.

Mr. laFrate stated you're absolutely right.

Mr. Kramer stated if there are two (2) public accesses, it would make sense to split that up a little bit.

Mr. laFrate stated this was modified on the recommendation of the Planning Department, but if it requires us to move one, absolutely.

Mr. Vleck stated that the building to the north, the dumpster is a little ways away from what is going to be the new residential area. One of his concerns is that there are existing houses in that back corner that are already there and he thinks a little extra consideration should be given of where that dumpster location should be. He believes there are plenty of areas in which we can pull it away from there.

## RESOLUTION

Moved by Starr

Seconded by Waller

RESOLVED, that Preliminary Site Plan Approval, as requested for the Dequindre Professional Building I, Proposed Office Building, located on the west side of Dequindre Road and south of Wattles Road, located within Section 24 and the O-1 zoning district and being 1.06 acres in size is hereby granted, subject to the following conditions:

1. The moving of the dumpster, which is currently parking spot number 63.
2. Move one (1) handicap parking space to space number 14.
3. Eliminate all parking lot lighting hot spots from the neighboring residential area.

Yeas:

All in favor (9)

Nays:

Absent:

MOTION CARRIED

10. SITE PLAN REVIEW (SP-882) – Dequindre Professional Building II, Proposed Office Bldg., West side of Dequindre, S of Wattles, Section 24 – O-1

Mr. Savidant presented a summary.

#### RESOLUTION

Moved by Littman

Seconded by Starr

RESOLVED, that Preliminary Site Plan Approval, as requested for the Dequindre Professional Building II, Proposed Office Building, located on the west side of Dequindre Road and south of Wattles Road, located within Section 24 and the O-1 zoning district and being 1.06 acres in size is hereby granted, subject to the following conditions:

1. That parking space number 15 become a handicap parking space.
2. That the luminary hot spots not be visible from the adjacent residential properties.
3. The moving of the dumpster, which is currently parking spot number 63.

Yeas:

All in favor (9)

Nays:

Absent:

#### MOTION CARRIED

11. SITE PLAN REVISION (SP-870) – Troy Professional Building, Proposed Office Bldg., West side of Dequindre, S of Wattles, Section 24 – O-1

Mr. Savidant presented a summary.

Mr. Kramer commented on the landscaping requirement and asked Mr. Savidant if the detention pond counts towards the landscaping.

Mr. Savidant asked in terms of landscape coverage?

Mr. Kramer replied, yes.

Mr. Miller stated that landscaping behind the building does not count towards your total landscape requirements.



Mr. Kramer asked if they meet the requirement.

Mr. Savidant replied, yes.

Mr. Storrs stated there is a cross-access drive shown on the lot to the south, but the way it's shaded in, it doesn't show it on this piece going to the south. It shows it's center line to the cross access. Is it the intent to have that open, just so that you can drive across it?

Mr. Savidant replied, yes.

## RESOLUTION

Moved by Littman

Seconded by Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the Troy Professional Building, Proposed Office Building, located on the west side of Dequindre Road and south of Wattles Road, located within Section 24 and the O-1 zoning district and being 1.06 acres in size is hereby tabled to August so that the petitioner may be present.

Yeas:

All in favor (9)

Nays:

Absent:

## MOTION CARRIED

Mr. Chamberlain requested that Mr. Miller bring up the issues with the handicap parking and where they're at; the hot spots, the garbage, and the cross-access to the south.

## **STREET VACATION REQUESTS**

12. PUBLIC HEARING – ALLEY VACATION REQUEST (SV-14) – Public Alley, between Lots 363 and Lots 40-45 & N ½ of 46 of Addison Heights Subdivision, South of Arthur, East of Livernois, Section 27 – R-1E

Mr. Savidant presented a summary of the report.

Richard Lomas, petitioner, stated that sometimes their parking gets a little tight and a few more spaces would make a big difference.

Public hearing opened and closed.

## RESOLUTION

Moved by Wright

Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the alley vacation request for the 18 feet wide and 130 feet in length alley right-of-way, extending south from Arthur Street, abutting lots 40-45, N ½ of 46 and 363 of Addison Heights Subdivision, located within Section 27, be approved, subject to the retention of any necessary utility easements.

Yeas:

All in favor (9)

Nays:

Absent:

## MOTION CARRIED

13. PUBLIC HEARING – STREET VACATION REQUEST (SV-174) – Somerton Street between Lots 58 & 59 of Sylvanwood Garden Subdivision #1, South of Sylvanwood, West of Rochester, Section 10 – R-1C

Mr. Savidant presented a summary report.

Public hearing opened and closed.

## RESOLUTION

Moved by Pennington

Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request for Somerton Street, being 60 feet wide and approximately 295 feet in length right-of-way, extending south between lots 58 and 59 of Sylvanwood Garden Subdivision, located within Section 10, be approved, subject to the following:

1. A full width easement for utilities be retained for the entire length of the Somerton Street right-of-way.

2. A common drive agreement with the owners of lot 58 and lot 59, should also be executed prior to vacation of the right-of-way.
3. No improvements are completed within the right-of-way until all water main improvements are complete.

Yeas:

All in favor (9)

Nays:

Absent:

MOTION CARRIED

### **ZONING ORDINANCE TEXT AMENDMENT**

14. **PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT –**  
Article XXXV Planned Unit Development (PUD – 35.30.00)

Mr. Miller presented a summary

Public hearing opened and closed.

Mr. Starr stated that he feels the ten (10) acre requirement is sound.

### **RESOLUTION**

Moved by Starr

Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the ARTICLE XXXV Planned Unit Development (PUD) of the Zoning Ordinance to read as follows:

#### **35.30.00 ELIGIBILITY:**

In order to qualify for the Planned Unit Development Option, it must be demonstrated that the following conditions will be met:

- A. The proposed development site shall be ~~at least ten (10) acres in area,~~  
~~and shall be~~ under a single ownership or control, and be capable of being planned and developed as one integral unit.

be denied, for the following reasons: I believe the ten (10) acre requirement is appropriate.

Mr. Storrs stated he thinks we're still feeling our way through this Planned Unit Development business, so I'm not in favor of any change to lower the ten (10) acres. He stated that if we were to entertain a less than ten (10) acre requirement, that the Future Land Use Plan should address that issue.

Yeas:

Storrs  
Chamberlain  
Starr  
Littman  
Kramer  
Wright

Nays:

Pennington  
Vleck  
Waller

Absent:

MOTION CARRIED

Mr. Waller stated even though we're feeling our way through this, because we don't have experience, the idea of changing it to the recommendation of Doug Smith and others from City Staff, to me makes some sense. He thinks the Commission could control it through other ways.

Mr. Vleck agrees.

Ms. Pennington stated that she is more apt to be approving five (5) acres, because she thinks in the future with the City of Troy, we're going to be seeing, especially like in the Maple corridor, developers that could do something with something smaller than ten (10) acres which would benefit the City.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 12:37 a.m.

Respectfully submitted,

Mark F. Miller AICP/PCP  
Planning Director